

Message Text

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C O N F I D E N T I A L SECTION 1 OF 2 WARSAW 7081

E.O. 11652: GDS
TAGS: CSCE, CGEN, CVIS, SHUM, PL, US
SUBJECT: FREEDOM OF MOVEMENT/FAMILY REUNIFICATION: COMMENTS ON
AMBASSADOR SPASOWSKI'S PAPER

REF: STATE 204223

1. WE BELIEVE AMBASSADOR SPASOWSKI'S PAPER CONTAINS A
NUMBER OF TECHNICAL TRUTHS WHICH BLUR OR CONCEAL OTHER
SIGNIFICANT FACTS AS WELL AS A NUMBER OF UNPALATABLE (TO
US) POSITIONS ON SOME OF OUR CASES. OUR RESEARCH REVEALS
THE FOLLOWING ABOUT THE CASES THE AMBASSADOR DISCUSSED.

2. SPECIAL CASES

(A) MARIA KOTLARZ - WE BELIEVE THE POLISH RESPONSE
REMAINS UNSATISFACTORY. THE PROPOSAL THAT THEY BOTH CAN
LEAVE POLAND IGNORES THE FACT THAT THE KOTLARZ MARRIAGE
IS A BAD ONE WITH BOTH PARTIES DETESTING EACH OTHER.
HOWEVER, THE REAL ISSUE REMAINS WHETHER THIS AMERICAN
CITIZEN, WHO ENTERED POLAND ON AN AMERICAN PASSPORT CON-
TAINING A POLISH VISA, BENEFITS FROM THE STOESEL-SPASOWSKI
EXCHANGE, APPENDED THE CONSULAR CONVENTION. THE
POLISH PROPOSAL SEEKS TO OBSCURE THIS BASIC ISSUE. WE
BELIEVE THE POLES SHOULD AGAIN BE TOLD THAT OUR
INTEREST IN THIS CASE INCLUDES NOT ONLY THE WELFARE OF
THIS AMERICAN CITIZEN BUT THE EFFECTIVE OPERATION OF THE
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CONSULAR CONVENTION WITH ITS APPENDED PROTOCOL.
(B) JERZY STROJEK - THERE IS LITTLE THAT WE CAN
ADD TO THIS MATTER EXCEPT TO WONDER IF THESE SO-CALLED
SECURITY CONSIDERATIONS DO NOT HAVE SOME STATUTE OF
LIMITATIONS. WHILE IT WOULD BE TOO MUCH TO EXPECT THE
POLES TO TELL US WHAT THESE SECURITY PROBLEMS ARE, WE
THINK IT IS NOT UNREASONABLE FOR US TO ASK THAT WE

BE TOLD HOW LONG SUCH GROUNDS CAN BE REASONABLY CONSIDERED AS VALID.

(C) JOLANTA DOMINIAK - THIS YOUNG DAUGHTER OF A PETITIONER FOR VISA PREFERENCE STATUS HAS TOLD US SHE HAS BEEN PROMISED A PASSPORT. (SEE WARSAW 3690)

(D) ELZBIETA CULLEN - SHE HAS JOINED HER HUSBAND IN WEST BERLIN, AND WE CONSIDER THE CASE CLOSED.

3. 35 CASES PRESENTED LAST AUTUMN

THIS OBVIOUSLY REFERES TO A LIST OF THIRTY SIX CASES HANDED TO THE MFA IN NOVEMBER, 1977, DURING THE BUILD -UP FOR THE PRESIDENT'S VISIT.

(A) ZYGMUNT JANKOWSKI - MR. JANKOWSKI IS INELIGIBLE UNDER SECTION 212(A)(9) OF THE ACT AS HE COMMITTED A CRIME INVOLVING MORAL TURPITUDE. HE APPLICATION FOR A WAIVER OF THOSE GROUNDS AS A SPOUSE OF A LEGAL RESIDENT ALIEN OF THE U.S. IS NOW BEFORE INS, VIENNA.

(B) WE STILL APPLY THE GROUND RULE THAT A PERSON MUST HAVE APPLIED FOR AND BEEN REFUSED A PASSPORT BY THE POLISH AUTHORITIES AS LEAST TWICE BEFORE WE WILL REPRESENT THEM TO THE MFA. WE CANNOT BE ABSOLUTELY SURE, BUT WE BELIEVE THAT THE POLISH CLAIM MAY REFERE TO CASE WHERE THERE IS NO APPLICATION CURRENTLY REUNNING, I.E. WHEN AMBASSADOR SPASOWSKI'S PAPER WAS BEING PREPARED IN WARSAW. FURTHER, NE NOTE THAT SOME OF OUR CLIENTS ARE TIMID. UNINFORMED PEOPLE WHO MAY BE FRIGHTENED OFF BY BRUSQUE
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MILITIAMEN ADVISING THEM OF REFUSALS.

4. 116 CASES PRESENTED LAST FALL

THIS ALSO OBVIOUSLY REFERES TO THE CASES THAT WERE GIVEN BY AMBASSADOR DAVIES TO THE MFA DURING THE PRESIDENTIAL VISIT PREPARATIONS. WE NOT THAT THE 116 CASES REFERS TO A TOTAL OF THE CASES ON THREE SPEARATE LISTS HE HANDED TO POLISH OFFICIALS. THE CASES REFERRED TO IN PARA. 3 ABOVE ARE INCLUDED IN THAT TOTAL OF 116 AND SHOULD NOT BE CONSIDERED SEPARATELY.

(A) ELEVEN APPROVED CASES

STANISLAW BEBEN - REPRESENTED ON MAY 8, 1974.

WE WILL ADVISE HIM OF THE PRESENT FAVORABLE DECISION.

ANIELA CHARYDCZAK - REPRESENTED ON MAY , 1974.

WE WILL ADVISE HER OF THE PRESENT FAVORABLE DECISION.

WLADYSLAWA CHORZEPA - REPRESENTED ON JANUARY 15, 1976. WE WILL ADVISE HER OF THE PRESENT FAVORABLE DECISION.

ANTONI HUBA - IMMIGRANT VISA ISSUED ON JUNE 14, 1978.

JERZY JEDRUCH - WENT TO THE U.S. ON NIV IN MAY, 1977

AND ADJUSTED STATUS TO LEGAL RESIDENT ALIEN.

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C O N F I D E N T I A L SECTION 2 OF 2 WARSAW 7081

JAN KOPEC - REPRESENTED ON MAY 20, 1976. WE WILL
ADVISE HIM OF THE PRESENT FAVORABLE DECISION.
ZDZISLAW OBERC - IMMIGRANT VISA ISSUED ON
APRIL 28, 1978.
MONIKA KONARZEWSKA - IMMIGRANT VISA ISSUED ON
JUNE 2, 1978.
ALICJA LUDKIEWICZ - IMMIGRANT VISA ISSUED ON
MAY 30, 1978.
ZOFIA MIKOS - REPRESENTED ON OCTOBER 17, 1977.
WE WILL ADVISE HER OF THE PRESENT FAVORABLE DECISION.
IRENA TOMALA - REPRESENTED ON MAY 28, 1975.
WEHGILL ADVISE HER OF THE PRESENT FAVORABLE DECISION.
(B) WITHOUT SPECIFIC NAMES, IT IS DIFFICULT TO
COMMENT ON THESE REFUSALS. WE NOT THAT ALL OF THESE
CASES WERE NUCLEAR FAMILIES AND, THUS, CONFORMED TO THE
POLISH CRITERIA.
(C) SEE 3.B. ABOVE.
(D) REFUSALS OF VISAS
JADWIGA LESZCZEWSKA - WE HAVE NOT HEARD FROM THIS
APPLICANT THAT SHE HAS BEEN ISSUED OR PROMISED A PASSPORT.
WE WILL ADVISE HER OF THE PRESENT FAVORABLE DECISION.
THERE IS NO RECORD OF A REFUSAL IN THIS CASE.
JOZEF GORECKI - AN IMMIGRANT VISA WAS ISSUED ON
NOVEMBER 23, 1977.

5. APPROVAL OF CERTAIN CASES PRESENTED IN APRIL, 1978
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ALL TEN OF THE CASES LISTED UNDER THIS HEADING WERE

ALREADY COMMUNICATED TO US AS APPROVED ON JULY 11, 1978 (SEE WARSAW 5933). DOMAGALSKI, SZEWCZUK, EOTLAR, AND PERKA HAVE BEEN PROMISED PASSPORTS. ZYCH, DRAG, AND KAS-ZUBSKI HAVE BEEN ISSUED IMMIGRANT VISAS. WE WILL AGAIN NOTIFY PRUSZYNSKA, RZEPECKA, AND WOJCIECHOWSKI OF THE PRESENT FAVORABLE DEVELOPMENTS.

6. COMMENT: WE THINK THE POLES ARE TRYING TO COUNT SOME OF THESE RESOLVED CASES TWICE TO CONFUSE THE ISSUE AND AVOID ACCOUNTING FOR THE RELATIVELY LARGE NUMBER OF CASES THEY ARE NOT APPROVING. WE UNDERSTAND THE PROBLEM OF DISCREPANCIES IN CASE NUMBERS WHICH HAS PLAGUED ALL OF US DEALING WITH THIS PROBLEM. IT IS AT LEAST PARTICLLY FOR THIS REASON THAT WE HAVE INITIATED A CASE-BY-CASE REVIEW OF ALL OUR DIVIDED FAMILIES CASES. WE HAVE JUST COMPLETED THAT COUNT, AND WE HAVE PRESENTLY 148 NUCLEAR CASES INVOLVING 260 PEOPLE AND 713 NON-NUCLEAR CASES INVOLVING 2036 PEOPLE. THIS IS A TOTAL OF 861 CASES INVOLVING 2296 PEOPLE.

7. THE DROP IN CASE COUNT FROM THAT REPORTED IN WARSAW 6583 IS ACCOUNTED FOR BY SEVERAL FACTORS: DOUBLE REPRESENTATIONS TO THE MFA, ELIMINATION OF CASES WHICH WERE RESOLVED BUT NOT SO RECORDED, AND THE FACT THAT WE HAVE NOT YET TABULATED THE APPROXIMATELY TWO HUNDRED CASES THAT WE WILL SOON REPRESENT TO THE FOREIGN MINISTRY. WE HAVE ALSO COMPLETED A MAILING TO ALL PERSONS WHOSE CASES WERE REPRESENTED BEFORE OCTOBER 17, 1977 (THE DATE OF THE LAST FORMAL REPRESENTATION LIST WE MADE TO THE POLES BEFORE THE PRESIDENTIAL VISIT), ASKING FOR ADVICE AS TO WHETHER THEY ARE STILL INTERESTED IN BEING REUNITED WITH THEIR FAMILIES IN THE

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UNITED STATES. WE HAVE SO FAR HAD NO RESPONSES FROM ABOUT 105 POLISH PRINCIPALS. ALL BUT SIX SAID THEY STILL WANTED TO IMMIGRATE TO THE U.S.

8. ASSUMING THAT THE NUMBER OF THOSE WHO DECLINE EMIGRATION FROM POLAND CONTINUES AT THE SAME RATE, WE WOULD EXPECT THAT WE WILL HAVE ABOUT 1000 CASES INVOLVING ABOUT 3000 PEOPLE WHEN ALL RESPONSES ARE IN - WHICH WE EXPECT WOULD BE IN MID OR LATE SEPTEMBER. WE WOULD THEN HAVE HARD VERIFIED FIGURES OF FAMILY REUNIFICATION CASES IN WHICH THE POLISH PRINCIPALS HAVE TOLD US THAT THEY WERE STILL INTERESTED IN EMIGRATION. THUS, FOR ALL THE ATTEMPTS BY THE REGIME TO DEMONSTRATE THAT THE PROBLEM HAS ENTERED THE FINAL STAGES OF SOLUTION OR THAT THE NUMBERS ARE EXAGGERATED, THE FACT REMAINS THAT THE NUMBER OF CASES THAT WE HAVE TO TAKE INTO ACCOUNT REMAINS PRETTY MUCH

WHAT IT WAS BEFORE THE PRESIDENT'S VISIT. END COMMENT.

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